

# Notice of Allowability

Application No.

09/607,361

Examiner

Maria B. Marvich, PhD

Applicant(s)

SHIGEMORI ET AL.

Art Unit

1633

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/23/05.
2. ☒ The allowed claim(s) is/are 1-3,7,9,12 and 21-24.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

This office action is in response to an amendment filed 1/31/05. Claims 4-6, 8, 10, 11 and 14-20 have been cancelled. Claims 1 and 21 have been amended. Claims 1-3, 7, 9, 12, 13 and 21-24 are pending in this application.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Susan Dadio on October 3, 2005.

The application has been amended as follows:

#### **IN THE SPECIFICATION:**

On Page 4, replace lines 28-30 with the following.

-- Figure 13 shows a diagram of the reaction in Example 12, in which the ligation of a 4kb cDNA and a 0.9 kb cDNA was done by the Rec A three-stranded formation reaction. As shown in Figure 13(A), a 4 kb and a 0.9 kb cDNA sequence have overlapping common sequences. In Figure 13 (B), the 0.9 kb cDNA and the 4.0 kb cDNAs were treated with

Art Unit: 1633

exonuclease I and restriction enzymes and ligated to one another resulting in a 4.9 kb cDNA product as shown in figure 13(C).—

IN THE CLAIMS:

In claim 1, line 14, the word “the” prior to the phrase “Rec A protein” has been replaced with the word -- a--.

In claim 2, line 9, the word “nucleotide” following the term “single-stranded” has been deleted.

In claim 2, line 14, the word “nucleotide” following the term “single-stranded” has been deleted.

In claim 7, line 2, the word “6mer” following the term “is at least a” has been deleted and replaced with the word “six-mer”.

In claim 21, line 17, the word “the” prior to the phrase “Rec A protein” has been replaced with the word -- a--.

In claim 22, line 2, the word “6mer” following the term “is at least a” has been deleted and replaced with the word “six-mer”.

Art Unit: 1633

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria B. Marvich, PhD whose telephone number is (571)-272-0774. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nguyen, PhD can be reached on (571)-272-0731. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maria B Marvich, PhD  
Examiner  
Art Unit 1633

September 20, 2005

  
TERRY MCKELVEY  
PRIMARY EXAMINER